

ESTTA Tracking number: **ESTTA430803**

Filing date: **09/16/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Peerless Media Ltd.
Granted to Date of previous extension	09/17/2011
Address	1920 Main Street Suite 1150 Irvine, CA 92614 UNITED STATES
Attorney information	Angela Small Booth Law Offices of Angela Small Booth 9107 Wilshire Blvd. Suite 450 Beverly Hills, CA 90210 UNITED STATES angie@angiesmall.org Phone: 310-497-1351

Applicant Information

Application No	85258339	Publication date	07/19/2011
Opposition Filing Date	09/16/2011	Opposition Period Ends	09/17/2011
Applicant	POLO LINE, INC. 920 LINDA CT ROYAL PALM BEACH, FL 33411 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Amateur youth sports services, namely, organizing and providing youth sports activities; Booking of seats for shows and sports events; Entertainment in the nature of horseback games; Entertainment services, namely, participation in polo tournaments and exhibitions; On-line admission ticket agency services for entertainment, educational, sporting and cultural events; Organisation of sports competitions; Organizing exhibitions for polo; Providing a web site featuring sporting information; Providing a web site that provides sports league player statistics; Providing facilities for sports tournaments; Rental of sports equipment; Rental of sports grounds; Sports instruction services; Sports refereeing and officiating; Sports training services; Ticket reservation and booking services for entertainment, sporting and cultural events

Grounds for Opposition


False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3068901	Application Date	10/31/2002
Registration Date	03/14/2006	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/06/01 First Use In Commerce: 2002/06/01 Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet; information * in * the field of poker related tips and strategy; providing news and information in the field of tournament rankings, poker player and celebrity news, poker player profiles, poker tournament schedules, online gaming, poker community gossip, poker related links, and poker related news and information relevant to the poker community via a global computer network		

U.S. Registration No.	3214517	Application Date	08/04/2005
Registration Date	03/06/2007	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/05/23 First Use In Commerce: 2002/05/23 Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet, and providing poker news and information via a global computer network		

U.S. Registration No.	3230545	Application Date	03/26/2004
Registration Date	04/17/2007	Foreign Priority Date	NONE

Word Mark	WORLD POKER TOUR
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Clothing, namely outerwear in the nature of wind-resistant jackets; tops, shirts, t-shirts, sweatshirts, jackets, headwear, hats, sun visors


U.S. Registration No.	3024303	Application Date	11/04/2002
Registration Date	12/06/2005	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 Playing cards and poker chips		

U.S. Registration No.	3021662	Application Date	11/04/2002
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/04/12 First Use In Commerce: 2004/04/12 Clothing, namely, shirts, T-shirts, sweatshirts, sweaters, jackets, warm-up suits, headwear, hats, sun visors, neckwear		

U.S. Registration No.	3090881	Application Date	11/04/2002
Registration Date	05/09/2006	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2004/05/18 First Use In Commerce: 2004/05/18		


	Housewares and glass, namely, cups, mugs, non-metal decorative boxes, containers for food or beverages, beverage glassware, drinking glasses, crystal ornaments, lunch boxes
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U.S. Registration No.	3047106	Application Date	11/04/2002
Registration Date	01/17/2006	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 Electrical and scientific apparatus, namely, video discs; digital versatile discs featuring television shows featuring poker games, information regarding the game of poker and instructional information regarding card games and the game of poker; and decorative refrigerator magnets		


U.S. Registration No.	3146322	Application Date	03/26/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 Gaming equipment consisting of playing cards, poker chips, table felt, card markers and rule book, all sold as a unit; lottery cards and tickets		


U.S. Registration No.	3146321	Application Date	03/26/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WORLD POKER TOUR		

Design Mark	WORLD POKER TOUR
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 Gaming equipment consisting of playing cards, poker chips, table felt, blind and dealer buttons, card markers and rule book, all sold as a unit; lottery cards and tickets


U.S. Registration No.	3009315	Application Date	10/31/2002
Registration Date	10/25/2005	Foreign Priority Date	NONE
Word Mark	WPT WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/06/01 First Use In Commerce: 2002/06/01 Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet		


U.S. Registration No.	2934677	Application Date	10/31/2002
Registration Date	03/22/2005	Foreign Priority Date	NONE
Word Mark	WPT WORLD POKER TOUR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2002/05/23 First Use In Commerce: 2002/05/23 Entertainment services, namely, providing poker news and information via a global computer network


U.S. Registration No.	3146323	Application Date	03/26/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WPT WORLD POKER TOUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 Gaming equipment consisting of playing cards, table felt, and rule book, all sold as a unit		


U.S. Registration No.	3146324	Application Date	03/26/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WPT WORLD POKER TOUR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 Clothing, namely outerwear in the nature of wind-resistant jackets; tops, shirts, t-shirts, sweatshirts, jackets, headwear, hats, sun visors


U.S. Registration No.	3146384	Application Date	05/14/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WPT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2003/03/30 First Use In Commerce: 2003/03/30 Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet, and providing poker news and information via a global computer network		


U.S. Registration No.	3146383	Application Date	05/14/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WPT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Clothing, namely outerwear in the nature of wind-resistant jackets; tops; shirts; t-shirts; sweatshirts; sweaters; jackets; headwear; hats; sun visors


U.S. Registration No.	3146382	Application Date	05/14/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	WPT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2005/04/00 First Use In Commerce: 2005/04/00 Housewares and glass, namely cups, mugs, beverage glassware, drinking glasses, crystal ornaments, lunch boxes		


U.S. Registration No.	3234308	Application Date	05/14/2004
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	WPT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/03/00 First Use In Commerce: 2005/03/00 Electrical and scientific apparatus, namely pre-recorded digital versatile discs featuring television shows featuring poker games, poker games, information regarding the game of poker and instructional information regarding card games and the game of poker; and video game discs


U.S. Registration No.	3252428	Application Date	07/08/2005
Registration Date	06/12/2007	Foreign Priority Date	NONE
Word Mark	WPTONLINE.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/07/00 First Use In Commerce: 2005/07/00 Entertainment services, namely, organizing, conducting and providing online and wireless entertainment services in the nature of interactive card games and games of chance		

U.S. Registration No.	3235063	Application Date	07/08/2005
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	WPTONLINE.NET		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 Clothing, namely tops, t-shirts and hats

U.S. Registration No.	3197314	Application Date	04/16/2004
Registration Date	01/09/2007	Foreign Priority Date	NONE
Word Mark	WPT POKER CORNER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2003/03/30 First Use In Commerce: 2003/03/30 Entertainment and educational services, namely, an on-going television segment featuring poker instructions and tips, and providing poker instructions and tips via a global computer network		

U.S. Registration No.	3115160	Application Date	08/27/2004
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	WPT BOOT CAMP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/01/29 First Use In Commerce: 2005/01/29 Educational services, namely, organizing and conducting classes, seminars, lectures, workshops, and training courses in the field of poker

Attachments	78180456#TMSN.gif (1 page)(bytes) 76644257#TMSN.gif (1 page)(bytes) 78391953#TMSN.jpeg (1 page)(bytes) 78391951#TMSN.jpeg (1 page)(bytes) 78391947#TMSN.jpeg (1 page)(bytes) 78180449#TMSN.gif (1 page)(bytes) 78180461#TMSN.gif (1 page)(bytes) 78391952#TMSN.jpeg (1 page)(bytes) 78391954#TMSN.jpeg (1 page)(bytes) 78419348#TMSN.jpeg (1 page)(bytes) 78419347#TMSN.jpeg (1 page)(bytes) 78419346#TMSN.jpeg (1 page)(bytes) 78419344#TMSN.jpeg (1 page)(bytes) 78666643#TMSN.jpeg (1 page)(bytes) 78666677#TMSN.jpeg (1 page)(bytes) 78403573#TMSN.jpeg (1 page)(bytes) 78475157#TMSN.jpeg (1 page)(bytes) 85258339pleading.pdf (18 pages)(132061 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Angela Small Booth/
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Date	09/16/2011

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NOTICE OF OPPOSITION

Opposition No. _____

**Opposer:
Peerless Media Ltd.,
a Private Limited Company**

vs.

Application Serial No. 85258339

**Applicant:
POLO LINE, INC.,
A Florida corporation**

**Filed: March 4, 2011
Published in the Official Gazette on July 19,
2011**

Opposer, Peerless Media Ltd., a Private Limited Company, organized under the laws of Gibraltar, located and doing business at 1920 Main St., Suite 1150, Irvine, CA 92614 ("Opposer"), believes that it will be damaged by registration of the mark shown in United States Trademark Application Serial Number 85258339 ("the

Opposed Application"), and hereby opposes same. The Opposed Application was filed on March 4, 2011 and was published for opposition in the Official Gazette on July 19, 2011. Opposer was granted a thirty (30) day Request for Extension of Time to Oppose on, August 16, 2011.

The Opposed mark consists of the following as described by the Applicant: the wording "WORLD POLO TOUR" in black above the letters "W", "P", "T" in brown, all on a white background. Above the wording are two cone shape columns striped in gray and white with a black flag at the top of each of the columns, and between the columns is a horseback polo player shape in black and outlined in white, on a brown background. The entire mark is encased in a black single line rectangular shape with curved edges. The color(s) brown, black, gray, and white is/are claimed as a feature of the mark. The Opposed Application covers the following services in International Class 041: "Amateur youth sports services, namely, organizing and providing youth sports activities; Booking of seats for shows and sports events; Entertainment in the nature of horseback games; Entertainment services, namely, participation in polo tournaments and exhibitions; On-line admission ticket agency services for entertainment, educational, sporting and cultural events; Organisation of sports competitions; Organizing exhibitions for polo; Providing a web site featuring sporting information; Providing a web site that provides sports league player statistics; Providing facilities for sports tournaments; Rental of sports equipment; Rental of sports grounds; Sports instruction services; Sports refereeing and officiating; Sports training services; Ticket reservation and booking services for entertainment, sporting and cultural events".

As grounds for its Opposition, it is alleged:

1. Opposer is a media and entertainment company and is the successor-in-interest to WPT Enterprises, Inc., the creator of the "World Poker Tour", a television show based on a series of high-stakes poker tournaments that has been broadcast in the United States and around the world in approximately one hundred twenty countries and territories. References to "Opposer" herein shall include Peerless Media Ltd.'s predecessor(s) in interest where appropriate. Opposer is engaged, among other things, in the business of organizing, conducting, producing and exhibiting poker events rendered live, via television and via the Internet including its extremely popular television show, "World Poker Tour"; providing information in the field of poker related tips and strategy, poker news and information through its website worldpokertour.com; providing an online sweepstakes-based poker club through its website clubwpt.com; organizing and conducting live poker tournaments through its Corporate Events division; and offering related merchandise, including branded clothing, DVDs, gaming equipment and other products.

2. Opposer is the owner of a family of trademarks which it uses including WPT WORLD POKER TOUR, WORLD POKER TOUR, WPT, WPTONLINE.COM, WPTONLINE.NET, WPT POKER CORNER, and WPT BOOT CAMP, which are used and registered in the United States, and in multiple countries throughout the world, for entertainment services related to exhibiting poker events and related merchandising. Opposer was assigned all right, title and interest in and to all the registered trademarks referenced in this Notice of Opposition, together with the goodwill associated therewith, on November 2, 2009. A true and correct copy of that

assignment is recorded with the United States Patent and Trademark Office at Reel/Frame 2929/0809.

3. Opposer is the owner of United States Trademark Registration No. 3,068,901 **WORLD POKER TOUR** and Design for "Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet; information in the field of poker related tips and strategy; providing news and information in the field of tournament rankings, poker player and celebrity news, poker player profiles, poker tournament schedules, online gaming, poker community gossip, poker related links, and poker related news and information relevant to the poker community via a global computer network" which was first used in commerce in June 1, 2002, and which was registered on the Principal Register on March 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on October 31, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

4. Opposer is the owner of United States Trademark Registration No. 3,214,517 **WORLD POKER TOUR** for "Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet, and providing poker news and information via a global computer network", which was first used in commerce in May 23, 2002, and which was registered on the Principal Register on March 6, 2006. Said registration

was based upon an application filed in the United States Patent and Trademark Office on August 4, 2005, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

5. Opposer is the owner of United States Trademark Registration No. 3,230,545 **WORLD POKER TOUR** and Design, for "Clothing, namely outerwear in the nature of wind-resistant jackets; tops, shirts, t-shirts, sweatshirts, jackets, headwear, hats, sun visors" which was first used in commerce in May 2005, and which was registered on the Principal Register on April 17, 2007. Said registration was based upon an application filed in the United States Patent and Trademark Office on March 26, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

6. Opposer is the owner of United States Trademark Registration No. 3,024,303 **WORLD POKER TOUR** for "Playing cards and poker chips," which was first used in commerce in June 1, 2004, and which was registered on the Principal Register on December 6, 2005. Said registration was based upon an application filed in the United States Patent and Trademark Office on November 4, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said

registration.

7. Opposer is the owner of United States Trademark Registration No. 3,021,662 **WORLD POKER TOUR** for "Clothing, namely, shirts, T-shirts, sweatshirts, sweaters, jackets, warm-up suits, headwear, hats, sun visors, neckwear", which was first used in commerce in April 12, 2004, and which was registered on the Principal Register on November 29, 2005. Said registration was based upon an application filed in the United States Patent and Trademark Office on November 4, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

8. Opposer is the owner of United States Trademark Registration No. 3,090,881 **WORLD POKER TOUR** for "Housewares and glass, namely, cups, mugs, non-metal decorative boxes, containers for food or beverages, beverage glassware, drinking glasses, crystal ornaments, lunch boxes", which was first used in commerce in May 18, 2005, and which was registered on the Principal Register on May 9, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on November 4, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

9. Opposer is the owner of United States Trademark Registration No. 3,047,106 **WORLD POKER TOUR** for "Electrical and scientific apparatus, namely,

video discs; digital versatile discs featuring television shows featuring poker games, information regarding the game of poker and instructional information regarding card games and the game of poker; and decorative refrigerator magnets" which was first used in commerce in August 2003, and which was registered on the Principal Register on January 17, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on November 4, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

10. Opposer is the owner of United States Trademark Registration No. 3,146,322 **WORLD POKER TOUR** (and card design) for "Gaming equipment consisting of playing cards, poker chips, table felt, card markers and rule book, all sold as a unit; lottery cards and tickets", which was first used in commerce at least as early as June 2006, and which was registered on the Principal Register on September 19, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on March 26, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

11. Opposer is the owner of United States Trademark Registration No. 3,146,321 **WORLD POKER TOUR** for "Gaming equipment consisting of playing cards, poker chips, table felt, blind and dealer buttons, card markers and rule book,

all sold as a unit; lottery cards and tickets" which was first used in commerce at least as early as June 1, 2004, and which was registered on the Principal Register on September 19, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on March 26, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

12. Opposer is the owner of United States Trademark Registration No. 3,009,315 for **WPT WORLD POKER TOUR** and design for "Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet", which was first used in commerce at least as early as June 1, 2002, and which was registered on the Principal Register on October 25, 2005. Said registration was based upon an application filed in the United States Patent and Trademark Office on October 31, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

13. Opposer is the owner of United States Trademark Registration No. 2,934,677 for **WPT WORLD POKER TOUR** and design for "Entertainment services, namely, providing poker news and information via a global computer network", which was first used in commerce at least as early as May 23, 2002, and which was registered on the Principal Register on March 22, 2005. Said registration was based

upon an application filed in the United States Patent and Trademark Office on October 31, 2002, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

14. Opposer is the owner of United States Trademark Registration No. 3,146,323 for **WPT WORLD POKER TOUR** and design for "Gaming equipment consisting of playing cards, poker chips, table felt, blind and dealer buttons, card markers and rule book, all sold as a unit; lottery cards and tickets", which was first used in commerce at least as early as June 2004, and which was registered on the Principal Register on September 19, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on March 26, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

15. Opposer is the owner of United States Trademark Registration No. 3,146,324 for **WPT WORLD POKER TOUR** and design for "Clothing, namely outerwear in the nature of wind-resistant jackets and overcoats; knits, tops, shirts, t-shirts, sweatshirts, sweaters, jackets, warm-up suits, headwear, hats, sun visors, neckwear, bandanas, scarves", which was first used in commerce at least as early as April 2004, and which was registered on the Principal Register on September 9, 2006. Said registration was based upon an application filed in the United States

Patent and Trademark Office on March 26, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

16. Opposer is the owner of United States Trademark Registration No. 3,146,384 for **WPT** for "Entertainment services, namely, organizing, conducting, producing and exhibiting poker events rendered live and through the media of television and the Internet, and providing poker news and information via a global computer network", which was first used in commerce at least as early as March 30, 2003, and which was registered on the Principal Register on September 19, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on May 14, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

17. Opposer is the owner of United States Trademark Registration No. 3,146,383 for **WPT** for "Clothing, namely outerwear in the nature of wind-resistant jackets; tops; shirts; t-shirts; sweatshirts; sweaters; jackets; headwear; hats; sun visors", which was first used in commerce at least as early as May 1, 2003, and which was registered on the Principal Register on September 19, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on May 14, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is

prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

18. Opposer is the owner of United States Trademark Registration No. 3,146,382 for **WPT** for "Housewares and glass, namely cups, mugs, beverage glassware, drinking glasses, crystal ornaments, lunch boxes", which was first used in commerce at least as early as, April 1, 2003, and which was registered on the Principal Register on September 19, 2006. Said registration was based upon an application filed in the United States Patent and Trademark Office on May 14, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration. In view of the similarity of the marks and the related nature of the goods and/or services of the respective parties, it is alleged that the mark in the Opposed Application so resembles Opposer's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

19. Opposer is the owner of United States Trademark Registration No. 3,234,308 for **WPT** for "Electrical and scientific apparatus, namely pre-recorded digital versatile discs featuring television shows featuring poker games, poker games, information regarding the game of poker and instructional information regarding card games and the game of poker; and video game discs", which was first used in commerce at least as early as March 1, 2005, and which was registered on the Principal Register on April 24, 2007. Said registration was based upon an application filed in the United States Patent and Trademark Office on May 14, 2004, which is a

date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

20. Opposer is the owner of United States Trademark Registration No. 3,252,428 for **WPTONLINE.COM** for "Entertainment services, namely, organizing, conducting and providing online and wireless entertainment services in the nature of interactive card games and games of chance, and providing poker news and information via a global computer network and wireless network", which was first used in commerce at least as early as July 2005, and which was registered on the Principal Register on June 12, 2007. Said registration was based upon an application filed in the United States Patent and Trademark Office on July 8, 2005, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

21. Opposer is the owner of United States Trademark Registration No. 3,235,063 for **WPTONLINE.NET** for "Clothing, namely tops, shirts, t-shirts, sweatshirts, sweaters, jackets, overcoats, warm-up suits, headwear, hats, sun visors, neckwear, bandanas, and scarves", which was first used in commerce at least as early as February 1, 2006, and which was registered on the Principal Register on April 24, 2007. Said registration was based upon an application filed in the United States Patent and Trademark Office on July 8, 2005, which is a date prior to the date of filing

of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

22. Opposer is the owner of United States Trademark Registration No. 3,197,314 for **WPT POKER CORNER** for "Entertainment and educational services, namely, an on-going television segment featuring poker instructions and tips, and providing poker instructions and tips via a global computer network", which was first used in commerce at least as early as March 30, 2003, and which was registered on the Principal Register on January 9, 2007. Said registration was based upon an application filed in the United States Patent and Trademark Office on April 16, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration. In view of the similarity of the marks and the related nature of the goods and/or services of the respective parties, it is alleged that the mark in the Opposed Application so resembles Opposer's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

23. Opposer is the owner of United States Trademark Registration No. 3,115,160 for **WPT BOOT CAMP** for "Educational services, namely, organizing and conducting classes, seminars, lectures, workshops, and training courses in the field of poker", which was first used in commerce at least as early as January 29, 2005, and which was registered on the Principal Register on July 11, 2006. Said registration was based upon an application filed in the United States Patent and

Trademark Office on August 27, 2004, which is a date prior to the date of filing of the Opposed Application. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods and/or services specified in said registration.

24. By virtue of its federal registrations identified above in paragraphs 3 - 23, and incorporated by reference herein, Opposer has the prima facie exclusive right to use its family of marks including WORLD POKER TOUR, WPT WORLD POKER TOUR, WPT, WPTONLINE.COM, WPTONLINE.NET, WPT POKER CORNER, and WPT BOOT CAMP on the identified goods and services in the United States, and this exclusive right extends to marks which are so highly similar as to create a likelihood of confusion, mistake or deception.

25. Based upon information and belief, Applicant has little, if any, common law rights in its alleged mark WORLD POLO TOUR WPT (and Design), having entered business and/or begun use of its mark more recently than Opposer.

26. Based on information and belief, Applicant has no registration rights for the alleged WORLD POLO TOUR WTP mark with the United States Patent and Trademark Office. Applicant's only application for said mark is the subject of the current opposition proceeding, the application, identified as No. 85258339 was filed based on intent-to-use.

27. Based on information and belief, there is no issue as to priority, with first use by Opposer for all of its federal registrations identified above in paragraphs 3 - 23, and incorporated by reference herein, predating Applicant's application filing date. Opposer first used all of its federal registrations identified above in paragraphs 3 - 23

above in commerce and interstate commerce on or before July 10, 2009. Applicant based its application on intent-to-use, and has not amended the application with respect to a first use date.

28. Opposer has developed substantial goodwill and a growing national and international business identified by its marks identified above in paragraphs 3 - 23, and incorporated by reference herein. Customers and others within the trade have come to recognize Opposer's marks identified above in paragraphs 3 - 23, and Opposer has developed, and is continuing to develop, a valuable reputation for excellence in connection with the quality of its goods and services identified in and for the marks identified above in paragraphs 3 - 23.

29. The alleged mark sought to be registered by Applicant, WORLD POLO TOUR WPT (and Design), is confusingly similar to Opposer's family of marks identified above in paragraphs 3 - 23, and incorporated by reference herein, namely WORLD POKER TOUR, WPT WORLD POKER TOUR, WPT, WPTONLINE.COM, WPTONLINE.NET, WPT POKER CORNER, and WPT BOOT CAMP, in that it consists of the dominant parts of Opposer's composite marks. When compared to Opposer's marks WPT WORLD POKER TOUR as set forth in paragraphs 13 - 15 above, Applicant's alleged mark includes virtually identical words, namely the first word WORLD, a middle word beginning with "PO" (namely POLO vs. Opposer's POKER), the third word TOUR, and the prominently displayed initials WPT, all used on related goods and/or services as Opposer's family of marks. Further, Applicant's alleged trademark is displayed in an upright rectangle design, which is essentially the shape of a playing card or deck of playing cards, reinforcing the association with

Opposer's family of marks many of which include the image of playing cards.

Opposer's family of marks identified above in paragraphs 3 - 23 and the Opposed mark make highly similar commercial impressions as to the sight, sound and meaning, creating the likelihood that customers and others will be confused, misled, or deceived into the mistaken belief that Applicant's products emanate from, or are somehow associated with, Opposer. The resulting confusion, mistake or deception will be to the detriment of Opposer and will cause substantial damage and injury.

30. Opposer and Applicant target related consumers, and the marks will travel in related trade channels. Opposer has no control over the nature and quality of Applicant's goods and/or services, and thus faces the substantial risk that the value, goodwill, and reputation associated with the marks identified above in paragraphs 3-23, namely WORLD POKER TOUR, WPT WORLD POKER TOUR, WPT, WPTONLINE.COM, WPTONLINE.NET, WPT POKER CORNER, and WPT BOOT CAMP will be tarnished, which will cause significant damage and injury.

31. Approval of Applicant's application for registration and use of Applicant's mark would further constitute a false designation of origin and a false and misleading representation of fact likely to cause confusion, mistake, or deception as to the affiliation, connection, or association of the parties, or as to the origin, sponsorship, or approval of Applicant's products by Opposer. See 15 U.S.C. § 1125(a).

WHEREFORE: Opposer prays that the Opposed Application, U.S. Trademark Application No. 85258339, be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Signed: /s/ Angela Small Booth

Dated: September 16, 2011

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Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on **September 16, 2011**, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** has been served by mailing said copy on September 16, 2011, via first class mail, postage prepaid, addressed to Applicant, at the correspondence address of record with the USPTO:

SEBASTIAN AMAYA
POLO LINE, INC.
920 LINDA CT
ROYAL PALM BEACH FLORIDA, 33411

Date: September 16, 2011

/s/ Angela Small Booth
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